

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LAWRENCE R. CUTTING,
JOHN GERARD GAUDIELLO,
LUIS JESUS MATIENZO and
NIKHIL MOHAN MURDESHWAR

Appeal No. 2001-0445
Application No. 09/017,338

ORDER REMANDING TO EXAMINER

On January 10, 2000, appellants filed an Information Disclosure Statement (IDS) (Paper No. 7). There is no indication in the record that the examiner has considered the IDS according to the criteria set forth in 37 CFR §§ 1.97 and 1.98 (1994). A communication notifying applicants of the Primary Examiner's decision is required. See Manual of Patent Examining Procedure (MPEP) § 609(c) (8th Ed., Aug. 2000).

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Accordingly, it is

ORDERED that the application is remanded to the examiner for appropriate consideration of the IDS, notification to applicants, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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